

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 19-md-02913-WHO

**TENTATIVE OPINIONS ON MOTION
FOR CLASS CERTIFICATION,
DAUBERT MOTIONS, AND MOTION
TO DISMISS BELLWETHER CLAIMS**

This Document Relates to:

ALL ACTIONS

In advance of the December 6, 2021 hearings on plaintiffs' motion for class certification, the related motions to exclude expert opinions, and the motion to dismiss the Other Director Defendants from personal injury bellwether claims, I provide the following tentative opinions and guidance:

The motion for class certification and related *Daubert* motions will be argued between 10:00 a.m. and 12:00 p.m. I am inclined to GRANT plaintiffs' motion and certify each of the four classes sought. For purposes of class certification, I am inclined to DENY plaintiffs' motion to exclude and defendants' omnibus motions to exclude. The challenges go to weight and provide fodder for cross-examination, but do not ultimately undermine admissibility of the opinions of the experts who have the requisite qualifications and expertise to opine on the topics they identify.

The motion to dismiss filed by the Other Director Defendants ["ODDs", Dkt. No. 2413], will be argued at 2:00 p.m. I am inclined to GRANT that motion in large part. The main issue is

1 that under Louisiana, Mississippi, and Tennessee law, plaintiffs' product liability claims seeking
2 relief for injuries caused by JUUL products are encompassed by the statutory causes of action and
3 are appropriately alleged against JLI. Plaintiffs provide no authority under those states' laws that
4 the ODDs – as directors of the corporate manufacturer and who operated at all times through JLI,
5 as opposed to separate entities that played some distinct role in bringing the injurious product to
6 the market – can be sued in those states for product liability claims.

7 The Case Management Conference will follow the argument on the motion to dismiss.
8 There will be no Pre-Conference meeting.

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IT IS SO ORDERED.

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11 Date: December 4, 2021

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15 HONORABLE WILLIAM H. ORRICK
United States District Judge

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